

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

TATUM KLEPP, individually;
ALISON KLEPP, individually and on
behalf of L.K., a minor; and
WILLIAM KLEPP, on behalf of L.K.,
a minor,

Plaintiffs,

vs.

CORNING OPTICAL
COMMUNICATIONS, LLC f/k/a
CORNING CABLE SYSTEMS LLC,
a Texas limited liability company;
CHRISTOPHER A. DINWOODIE, an
individual; CITY OF BOZEMAN, an
administrative subdivision of the State
of Montana; and TERRENCE
MORVAY, an individual,

Defendants.

No. CV 19-10-BU-SEH

ORDER

Plaintiffs filed an unopposed motion to remand on May 22, 2019,¹ asserting

¹ Doc. 15.

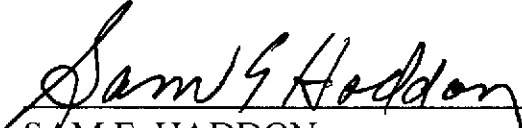
that the First Amended Complaint for Damages and Request for Jury Trial² divested the Court of jurisdiction under 28 U.S.C. § 1332 by joining two non-diverse defendants.³

Under 28 U.S.C. § 1447(e), “[i]f after removal the plaintiff seeks to join additional defendants whose joinder would destroy subject matter jurisdiction, the court may deny joinder, or permit joinder and remand the action to the State court.”

ORDERED:

This case is REMANDED to the Montana Eighteenth Judicial District Court, Gallatin County. The Clerk is directed to transfer the file and close the case.

DATED this 23rd day of May, 2019.



SAM E. HADDON
United States District Judge

² Doc. 14.

³ Doc. 15 at 2.